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6 GENERAL ELECTRIC COMPANY

7 UNITED STATES DISTRICT COURT
8
9 NORTHERN DISTRICT OF CALIFORNIA
10
11 SAN FRANCISCO DIVISION

12 LOIS COLLINS, et al.,

13 Plaintiffs,

14 v.

15 GENERAL ELECTRIC COMPANY, et
al.,

16 Defendants.

CASE NO. CV 08-2704 EDL

**GENERAL ELECTRIC COMPANY'S
ANSWER TO COMPLAINT FOR
SURVIVAL, WRONGFUL DEATH --
ASBESTOS;**

DEMAND FOR JURY TRIAL;

**CERTIFICATION OF INTERESTED
ENTITIES**

17
18 Defendant GENERAL ELECTRIC COMPANY ("GE") hereby answers the Complaint
19 For Survival, Wrongful Death (Asbestos), filed by plaintiffs ("Plaintiffs") on May 29, 2008, as
20 follows:

21 1. To the extent that paragraph 1 of the complaint consists of allegations of fact as to
22 Plaintiffs, GE lacks sufficient knowledge or information to form a belief as to the truth of the
23 allegations of paragraph 1, and on such basis the allegations are denied. To the extent that
24 paragraph 1 of the complaint consists of allegations of fact as to Plaintiffs' decedent, GE lacks
25 sufficient knowledge or information to form a belief as to the truth of the allegations of
26 paragraph 1, and on such basis the allegations are denied.

27 2. To the extent that paragraph 2 of the complaint consists of allegations of fact as to
28 Plaintiffs' decedent, GE lacks sufficient knowledge or information to form a belief as to the truth

1 of the allegations of paragraph 2, and on such basis the allegations are denied. To the extent that
2 paragraph 2 of the complaint consists of allegations of fact as to Plaintiffs, GE lacks sufficient
3 knowledge or information to form a belief as to the truth of the allegations of paragraph 2, and on
4 such basis the allegations are denied.

5 3. To the extent that paragraph 3 of the complaint consists of allegations of fact as to
6 Plaintiffs' decedent, GE lacks sufficient knowledge or information to form a belief as to the truth
7 of the allegations of paragraph 3, and on such basis the allegations are denied. To the extent that
8 paragraph 3 of the complaint consists of allegations of fact as to other defendants, GE lacks
9 sufficient knowledge or information to form a belief as to the truth of the allegations of
10 paragraph 3 and on such basis the allegations are denied. To the extent that paragraph 4 of the
11 complaint consists of allegations of fact as to GE, GE denies such allegations.

12 4. To the extent that paragraph 4 of the complaint consists of allegations of fact as to
13 Plaintiffs' decedent, GE lacks sufficient knowledge or information to form a belief as to the truth
14 of the allegations of paragraph 4, and on such basis the allegations are denied. To the extent that
15 paragraph 4 of the complaint consists of allegations of fact as to other defendants, GE lacks
16 sufficient knowledge or information to form a belief as to the truth of the allegations of
17 paragraph 4, and on such basis the allegations are denied. To the extent that paragraph 4 of the
18 complaint consists of allegations of fact as to GE, GE denies such allegations. GE denies the
19 allegation that each plaintiff claims damages for an asbestos-related disease arising from an
20 identical series of occurrences.

21 5. To the extent that paragraph 5 of the complaint consists of allegations of fact as to
22 Plaintiffs, GE lacks sufficient knowledge or information to form a belief as to the truth of the
23 allegations of paragraph 6, and on such basis the allegations are denied. To the extent that
24 paragraph 5 of the complaint consists of allegations of fact as to other defendants, GE lacks
25 sufficient knowledge or information to form a belief as to the truth of the allegations of
26 paragraph 5, and on such basis the allegations are denied. GE denies the allegation that each
27 plaintiff claims damages for an asbestos-related disease arising from an identical series of
28 occurrences. GE denies the allegation that each and every allegation of each plaintiff regarding

1 the nature of their decedent's asbestos-related diseases, the nature of asbestos, the propensity of
2 asbestos to cause disease, and the criteria for diagnosis of disease are all identical.

3 6. To the extent that paragraph 6 of the complaint consists of conclusions of law, GE
4 is not required to respond to it. To the extent that paragraph 6 of the complaint consists of
5 allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a
6 belief as to the truth of the allegations of paragraph 6, and on such basis the allegations are
7 denied. To the extent that paragraph 6 of the complaint consists of allegations of fact as to GE,
8 GE denies such allegations.

9 7. To the extent that paragraph 7 of the complaint consists of allegations of fact as to
10 Plaintiffs, GE lacks sufficient knowledge or information to form a belief as to the truth of the
11 allegations of paragraph 7, and on such basis the allegations are denied. To the extent that
12 paragraph 7 of the complaint consists of allegations of fact as to other defendants, GE lacks
13 sufficient knowledge or information to form a belief as to the truth of the allegations of
14 paragraph 7, and on such basis the allegations are denied. GE denies that it is a corporation
15 incorporated under the laws of Connecticut. GE admits that its principal place of business is in
16 Connecticut. GE lacks sufficient knowledge or information to form a belief as to the truth of the
17 allegation that this court has original jurisdiction under 25 USC § 1332, and on such basis the
18 allegation is denied.

19 8. To the extent that paragraph 8 of the complaint consists of conclusions of law, GE
20 is not required to respond to it. To the extent that paragraph 8 of the complaint consists of
21 allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a
22 belief as to the truth of the allegations of paragraph 8, and on such basis the allegations are
23 denied. To the extent that paragraph 8 of the complaint consists of allegations of fact as to
24 Plaintiffs, GE lacks sufficient knowledge or information to form a belief as to the truth of the
25 allegations of paragraph 8, and on such basis the allegations are denied. GE lacks sufficient
26 knowledge or information to form a belief as to the truth of Plaintiffs' allegation that the
27 Northern District of California is the proper venue for this case, and on such basis the allegation
28 is denied.

1 9. To the extent that paragraph 9 of the complaint consists of conclusions of law, GE
2 is not required to respond to it. To the extent that paragraph 9 of the complaint consists of
3 allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a
4 belief as to the truth of the allegations of paragraph 9, and on such basis the allegations are
5 denied. To the extent that paragraph 9 of the complaint consists of allegations of fact as to
6 Plaintiffs, GE lacks sufficient knowledge or information to form a belief as to the truth of the
7 allegations of paragraph 9, and on such basis the allegations are denied. To the extent that
8 paragraph 9 of the complaint consists of allegations of fact as to GE, GE lacks sufficient
9 knowledge or information to form a belief as to the truth of the allegations of paragraph 9, and on
10 such basis the allegations are denied.

11 10. To the extent that paragraph 10 of the complaint consists of allegations of fact as
12 to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth
13 of the allegations of paragraph 10, and on such basis the allegations are denied. GE admits that,
14 in the past, it manufactured, distributed, supplied and sold certain products which contained
15 some quantity of asbestos and/or had component parts which may have contained some quantity
16 of asbestos, during a time period which may or may not be relevant to this case. Except to the
17 extent admitted, GE denies all other allegations of fact as to GE in paragraph 10 of the
18 complaint.

19 11. To the extent that paragraph 11 of the complaint consists of conclusions of law,
20 GE is not required to respond to it. To the extent that paragraph 11 of the complaint consists of
21 allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a
22 belief as to the truth of the allegations of paragraph 11, and on such basis the allegations are
23 denied. To the extent that paragraph 11 of the complaint consists of allegations of fact as to
24 Plaintiffs, GE lacks sufficient knowledge or information to form a belief as to the truth of the
25 allegations of paragraph 11, and on such basis the allegations are denied. To the extent that
26 paragraph 11 of the complaint consists of allegations of fact as to GE, GE denies such
27 allegations.

28 12. To the extent that paragraph 12 of the complaint consists of conclusions of law,

1 GE is not required to respond to it. To the extent that paragraph 12 of the complaint consists of
2 allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a
3 belief as to the truth of the allegations of paragraph 12, and on such basis the allegations are
4 denied. To the extent that paragraph 12 of the complaint consists of allegations of fact as to GE,
5 GE denies such allegations.

6 13. To the extent that paragraph 13 of the complaint consists of allegations of fact as
7 to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth
8 of the allegations of paragraph 13, and on such basis the allegations are denied. To the extent
9 that paragraph 13 of the complaint consists of allegations of fact as to Plaintiffs, GE lacks
10 sufficient knowledge or information to form a belief as to the truth of the allegations of
11 paragraph 13, and on such basis the allegations are denied. To the extent that paragraph 13 of the
12 complaint consists of allegations of fact as to GE, GE denies such allegations.

13 14. To the extent that paragraph 14 of the complaint consists of conclusions of law,
14 GE is not required to respond to it. To the extent that paragraph 14 of the complaint consists of
15 allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a
16 belief as to the truth of the allegations of paragraph 14, and on such basis the allegations are
17 denied. To the extent that paragraph 14 of the complaint consists of allegations of fact as to
18 Plaintiffs' decedent, GE lacks sufficient knowledge or information to form a belief as to the truth
19 of the allegations of paragraph 14, and on such basis the allegations are denied. To the extent
20 that paragraph 14 of the complaint consists of allegations of fact as to GE, GE denies such
21 allegations.

22 15. To the extent that paragraph 15 of the complaint consists of allegations of fact as
23 to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth
24 of the allegations of paragraph 15, and on such basis the allegations are denied. To the extent
25 that paragraph 15 of the complaint consists of allegations of fact as to Plaintiffs' decedent, GE
26 lacks sufficient knowledge or information to form a belief as to the truth of the allegations of
27 paragraph 15, and on such basis the allegations are denied. To the extent that paragraph 15 of the
28 complaint consists of allegations of fact as to GE, GE denies such allegations.

1 16. GE admits that, over time, inhalation or ingestion of asbestos fibers can cause
2 lung disease and cancer. Except to the extent admitted, GE denies all allegations of paragraph
3 16.

4 17. To the extent that paragraph 17 of the complaint consists of allegations of fact as
5 to Plaintiffs' decedent, GE lacks sufficient knowledge or information to form a belief as to the
6 truth of the allegations of paragraph 17, and on such basis the allegations are denied.

7 18. To the extent that paragraph 18 of the complaint consists of conclusions of law,
8 GE is not required to respond to it. To the extent that paragraph 18 of the complaint consists of
9 allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a
10 belief as to the truth of the allegations of paragraph 18, and on such basis the allegations are
11 denied. To the extent that paragraph 18 of the complaint consists of allegations of fact as to
12 Plaintiffs and/or Plaintiffs' decedent, GE lacks sufficient knowledge or information to form a
13 belief as to the truth of the allegations of paragraph 18, and on such basis the allegations are
14 denied. To the extent that paragraph 18 of the complaint consists of allegations of fact as to GE,
15 GE denies such allegations.

16 19. To the extent that paragraph 19 of the complaint consists of conclusions of law,
17 GE is not required to respond to it. To the extent that paragraph 19 of the complaint consists of
18 allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form
19 a belief as to the truth of the allegations of paragraph 19, and on such basis the allegations are
20 denied. To the extent that paragraph 19 of the complaint consists of allegations of fact as to
21 Plaintiffs and/or Plaintiffs' decedent, GE lacks sufficient knowledge or information to form a
22 belief as to the truth of the allegations of paragraph 19, and on such basis the allegations are
23 denied. To the extent that paragraph 19 of the complaint consists of allegations of fact as to GE,
24 GE denies such allegations.

25 20. To the extent that paragraph 20 of the complaint consists of conclusions of law,
26 GE is not required to respond to it. To the extent that paragraph 20 of the complaint consists of
27 allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a
28 belief as to the truth of the allegations of paragraph 20, and on such basis the allegations are

1 denied. To the extent that paragraph 20 of the complaint consists of allegations of fact as to
2 Plaintiffs' decedent, GE lacks sufficient knowledge or information to form a belief as to the truth
3 of the allegations of paragraph 20, and on such basis the allegations are denied. To the extent
4 that paragraph 20 of the complaint consists of allegations of fact as to GE, GE denies such
5 allegations.

6 21. To the extent that paragraph 21 of the complaint consists of conclusions of law,
7 GE is not required to respond to it. To the extent that paragraph 21 of the complaint consists of
8 allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a
9 belief as to the truth of the allegations of paragraph 21, and on such basis the allegations are
10 denied. To the extent that paragraph 21 of the complaint consists of allegations of fact as to
11 Plaintiffs' decedent, GE lacks sufficient knowledge or information to form a belief as to the truth
12 of the allegations of paragraph 21, and on such basis the allegations are denied. To the extent
13 that paragraph 21 of the complaint consists of allegations of fact as to GE, GE denies such
14 allegations.

15 22. To the extent that paragraph 22 of the complaint consists of allegations of fact as
16 to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth
17 of the allegations of paragraph 22, and on such basis the allegations are denied. To the extent
18 that paragraph 22 of the complaint consists of allegations of fact as to Plaintiffs' decedent, GE
19 lacks sufficient knowledge or information to form a belief as to the truth of the allegations of
20 paragraph 22, and on such basis the allegations are denied. To the extent that paragraph 22 of the
21 complaint consists of allegations of fact as to GE, GE denies such allegations.

22 23. To the extent that paragraph 23 of the complaint consists of conclusions of law,
23 GE is not required to respond to it. To the extent that paragraph 23 of the complaint consists of
24 allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a
25 belief as to the truth of the allegations of paragraph 23, and on such basis the allegations are
26 denied. To the extent that paragraph 23 of the complaint consists of allegations of fact as to GE,
27 GE denies such allegations.

28 24. To the extent that paragraph 24 of the complaint consists of conclusions of law,

1 GE is not required to respond to it. To the extent that paragraph 24 of the complaint consists of
2 allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a
3 belief as to the truth of the allegations of paragraph 24, and on such basis the allegations are
4 denied. To the extent that paragraph 24 of the complaint consists of allegations of fact as to GE,
5 GE denies such allegations.

6 25. To the extent that paragraph 25 of the complaint consists of conclusions of law,
7 GE is not required to respond to it. To the extent that paragraph 25 of the complaint consists of
8 allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a
9 belief as to the truth of the allegations of paragraph 25, and on such basis the allegations are
10 denied. To the extent that paragraph 25 of the complaint consists of allegations of fact as to GE,
11 GE denies such allegations.

12 26. GE incorporates by reference as though fully set forth herein paragraphs 1 through
13 25 of this Answer.

14 27. To the extent that paragraph 27 of the complaint consists of allegations of fact as
15 to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth
16 of the allegations of paragraph 27, and on such basis the allegations are denied. To the extent
17 that paragraph 27 of the complaint consists of allegations of fact as to GE, GE denies such
18 allegations.

19 28. To the extent that paragraph 28 of the complaint consists of conclusions of law,
20 GE is not required to respond to it. To the extent that paragraph 28 of the complaint consists of
21 allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a
22 belief as to the truth of the allegations of paragraph 28, and on such basis the allegations are
23 denied. To the extent that paragraph 28 of the complaint consists of allegations of fact as to
24 Plaintiffs' decedent, GE lacks sufficient knowledge or information to form a belief as to the truth
25 of the allegations of paragraph 28, and on such basis the allegations are denied. To the extent
26 that paragraph 28 of the complaint consists of allegations of fact as to GE, GE denies such
27 allegations.

28 29. To the extent that paragraph 29 of the complaint consists of allegations of fact as

1 to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth
2 of the allegations of paragraph 29, and on such basis the allegations are denied. To the extent
3 that paragraph 30 of the complaint consists of allegations of fact as to Plaintiffs' decedent, GE
4 lacks sufficient knowledge or information to form a belief as to the truth of the allegations of
5 paragraph 29, and on such basis the allegations are denied. To the extent that paragraph 29 of the
6 complaint consists of allegations of fact as to GE, GE denies such allegations. GE lacks
7 sufficient knowledge or information to respond to the allegation that exposed persons did not
8 know of the substantial danger of using said products and, on that basis, denies it.

9 30. To the extent that paragraph 30 of the complaint consists of allegations of fact as
10 to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth
11 of the allegations of paragraph 30, and on such basis the allegations are denied. To the extent
12 that paragraph 30 of the complaint consists of allegations of fact as to GE, GE denies such
13 allegations.

14 31. To the extent that paragraph 31 of the complaint consists of allegations of fact as
15 to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth
16 of the allegations of paragraph 31, and on such basis the allegations are denied. To the extent
17 that paragraph 31 of the complaint consists of allegations of fact as to GE, GE denies such
18 allegations.

19 32. To the extent that paragraph 32 of the complaint consists of allegations of fact as
20 to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth
21 of the allegations of paragraph 32, and on such basis the allegations are denied. To the extent
22 that paragraph 32 of the complaint consists of allegations of fact as to GE, GE denies such
23 allegations.

24 33. To the extent that paragraph 33 of the complaint consists of allegations of fact as
25 to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth
26 of the allegations of paragraph 33, and on such basis the allegations are denied. To the extent
27 that paragraph 33 of the complaint consists of allegations of fact as to Plaintiffs' decedent, GE
28 lacks sufficient knowledge or information to form a belief as to the truth of the allegations of

1 paragraph 33, and on such basis the allegations are denied. To the extent that paragraph 33 of the
2 complaint consists of allegations of fact as to GE, GE denies such allegations.

3 34. To the extent that paragraph 34 of the complaint consists of conclusions of law,
4 GE is not required to respond to it. To the extent that paragraph 34 of the complaint consists of
5 allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a
6 belief as to the truth of the allegations of paragraph 34, and on such basis the allegations are
7 denied. To the extent that paragraph 34 of the complaint consists of allegations of fact as to GE,
8 GE denies such allegations.

9 35. To the extent that paragraph 35 of the complaint consists of allegations of fact as
10 to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth
11 of the allegations of paragraph 35, and on such basis the allegations are denied. To the extent
12 that paragraph 35 of the complaint consists of allegations of fact as to Plaintiffs and/or Plaintiffs'
13 decedent, GE lacks sufficient knowledge or information to form a belief as to the truth of the
14 allegations of paragraph 35, and on such basis the allegations are denied. To the extent that
15 paragraph 35 of the complaint consists of allegations of fact as to GE, GE denies such
16 allegations.

17 36. To the extent that paragraph 36 of the complaint consists of allegations of fact as
18 to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth
19 of the allegations of paragraph 36, and on such basis the allegations are denied. To the extent
20 that paragraph 36 of the complaint consists of allegations of fact as to Plaintiffs and/or Plaintiffs'
21 decedent, GE lacks sufficient knowledge or information to form a belief as to the truth of the
22 allegations of paragraph 36, and on such basis the allegations are denied. To the extent that
23 paragraph 36 of the complaint consists of allegations of fact as to GE, GE denies such
24 allegations.

25 37. GE incorporates by reference as though fully set forth herein paragraphs 1 through
26 36 of this Answer.

27 38. To the extent that paragraph 38 of the complaint consists of conclusions of law,
28 GE is not required to respond to it. To the extent that paragraph 38 of the complaint consists of

1 allegations of fact as to Plaintiffs and/or Plaintiffs' decedent, GE lacks sufficient knowledge or
2 information to form a belief as to the truth of the allegations of paragraph 38, and on such basis
3 the allegations are denied.

4 39. To the extent that paragraph 39 of the complaint consists of conclusions of law,
5 GE is not required to respond to it. To the extent that paragraph 39 of the complaint consists of
6 allegations of fact as to Plaintiffs and/or Plaintiffs' decedent, GE lacks sufficient knowledge or
7 information to form a belief as to the truth of the allegations of paragraph 39, and on such basis
8 the allegations are denied.

9 40. To the extent that paragraph 40 of the complaint consists of allegations of fact as
10 to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth
11 of the allegations of paragraph 40, and on such basis the allegations are denied. To the extent
12 that paragraph 40 of the complaint consists of allegations of fact as to Plaintiffs and/or Plaintiffs'
13 decedent, GE lacks sufficient knowledge or information to form a belief as to the truth of the
14 allegations of paragraph 40, and on such basis the allegations are denied. To the extent that
15 paragraph 40 of the complaint consists of allegations of fact as to GE, GE denies such
16 allegations.

17 41. To the extent that paragraph 41 of the complaint consists of allegations of fact as
18 to Plaintiffs and/or Plaintiffs' decedents, GE lacks sufficient knowledge or information to form a
19 belief as to the truth of the allegations of paragraph 41, and on such basis the allegations are
20 denied.

21 42. To the extent that paragraph 42 of the complaint consists of allegations of fact as
22 to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth
23 of the allegations of paragraph 42, and on such basis the allegations are denied. To the extent
24 that paragraph 42 of the complaint consists of allegations of fact as to Plaintiffs and/or Plaintiffs'
25 decedent, GE lacks sufficient knowledge or information to form a belief as to the truth of the
26 allegations of paragraph 42, and on such basis the allegations are denied. To the extent that
27 paragraph 42 of the complaint consists of allegations of fact as to GE, GE denies such
28 allegations.

43. To the extent that paragraph 43 of the complaint consists of allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 43, and on such basis the allegations are denied. To the extent that paragraph 43 of the complaint consists of allegations of fact as to Plaintiffs and/or Plaintiffs' decedent, GE lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 43, and on such basis the allegations are denied. To the extent that paragraph 43 of the complaint consists of allegations of fact as to GE, GE denies such allegations.

44. GE incorporates by reference as though fully set forth herein paragraphs 1 through 43 of this Answer.

45. To the extent that paragraph 45 of the complaint consists of allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 45, and on such basis the allegations are denied. To the extent that paragraph 45 of the complaint consists of allegations of fact as to Plaintiffs and/or Plaintiffs' decedent, GE lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 45, and on such basis the allegations are denied. To the extent that paragraph 45 of the complaint consists of allegations of fact as to GE, GE denies such allegations.

RESPONSE TO PLAINTIFFS' PRAYER

GE further denies that Plaintiffs are entitled to any damages to the extent Plaintiffs seek damages from GE and denies that Plaintiffs are entitled to any relief from GE to the extent Plaintiffs seek any relief from GE. Further answering, GE lacks information or knowledge sufficient to respond to each and every allegation in Plaintiffs' prayer for judgment and, on that basis, denies them.

SEPARATE AND ADDITIONAL AFFIRMATIVE DEFENSES

By alleging the Separate and Additional Affirmative Defenses set forth below, GE is not in any way agreeing or conceding that it has the burden of proof or burden of persuasion on any of these issues.

FIRST AFFIRMATIVE DEFENSE

46. GE alleges that said complaint and each cause of action therein fails to state facts sufficient to constitute a cause of action against GE.

SECOND AFFIRMATIVE DEFENSE

47. GE alleges that the causes of action, if any, attempted to be stated and set forth in said complaint are barred by the applicable statutes of limitations, including, but not limited to, the provisions of Code of Civil Procedure Sections 335.1, 338, 340.2 and 361.

THIRD AFFIRMATIVE DEFENSE

48. GE alleges that the causes of action, if any, attempted to be stated and set forth in said complaint are barred in whole or in part by the equitable doctrines of waiver, estoppel, and laches.

FOURTH AFFIRMATIVE DEFENSE

49. GE alleges that Plaintiffs' decedent, LESTER COLLINS ("Decedent") and others were negligent or otherwise at fault in and about the matters referred to in said complaint, and that such negligence and/or other fault bars or diminishes Plaintiffs' recovery against GE.

FIFTH AFFIRMATIVE DEFENSE

50. GE alleges that Decedent was solely negligent in and about the matters alleged in said complaint and that such negligence on the part of Decedent was the sole proximate cause of the injuries and damages complained of by Plaintiffs, if any there were.

SIXTH AFFIRMATIVE DEFENSE

51. GE alleges that Decedent assumed the risk of the matters referred to in said complaint, that Decedent knew and appreciated the nature of the risk, and that Decedent voluntarily accepted the risk.

SEVENTH AFFIRMATIVE DEFENSE

52. GE is informed and believes and thereon alleges that Decedent misused and abused the products referred to in said complaint, and failed to follow instructions, and that such misuse, abuse and failure to follow instructions on the part of Decedent proximately caused and contributed to the injuries and damages complained of in said complaint, if any there were.

EIGHTH AFFIRMATIVE DEFENSE

53. GE alleges that if Decedent sustained injuries attributable to the use of any product manufactured, supplied, or distributed by GE, which allegations are expressly denied, the injuries were solely caused by and attributable to the unreasonable, unforeseeable, and inappropriate purpose and improper use which was made of the product.

NINTH AFFIRMATIVE DEFENSE

54. GE alleges that if there was any negligence proximately causing the injuries or damages sustained by Plaintiffs, if any, such negligence, if any, was solely that of the defendants, persons, firms, or entities other than GE.

TENTH AFFIRMATIVE DEFENSE

55. GE alleges that there is no privity between Plaintiffs or Decedent and GE.

ELEVENTH AFFIRMATIVE DEFENSE

56. GE alleges that it gave no warranties, either express or implied, to Decedent and that neither Decedent nor others ever notified GE of any claims of breach of warranty, if any there were.

TWELFTH AFFIRMATIVE DEFENSE

57. GE alleges that said complaint and each cause of action therein is barred with respect to this answering defendant by the provisions of the Workers' Compensation Act, including but not limited to Sections 3600, 3601, and 5300 of the Labor Code of the State of California.

THIRTEENTH AFFIRMATIVE DEFENSE

58. GE alleges that if there was any negligence proximately causing the injuries or damages, if any, sustained by Decedent, such negligence, if any, is collateral negligence, as that term is used and defined in Restatement 2d Torts, Section 426 and derivative authority.

FOURTEENTH AFFIRMATIVE DEFENSE

59. GE alleges that at the time of the matters referred to in the complaint, Decedent was employed by employers other than GE and were entitled to and received workers' compensation benefits from their employers; and that if there was any negligence proximately

1 causing the injuries and damages sustained by Plaintiffs, if any, such negligence, if any, was that
2 of Decedent's employers.

3 **FIFTEENTH AFFIRMATIVE DEFENSE**

4 60. GE alleges that Plaintiffs' claims, and each of them, and this action, are
5 preempted by federal statutes and regulations governing work place exposure to asbestos.

6 **SIXTEENTH AFFIRMATIVE DEFENSE**

7 61. GE alleges that the products referred to in said complaint, if manufactured by GE
8 at all, were manufactured in strict compliance with United States government specifications, and
9 that the hazards associated with use of the products, if any, were known equally to the
10 government and GE. Boyle v. United Technologies Corp., 487 U.S. 500 (1988).

11 **SEVENTEENTH AFFIRMATIVE DEFENSE**

12 62. GE alleges that to the extent said complaint purports to state a cause of action or
13 basis for recovery under Sindell v. Abbott Laboratories (1990) 26 Cal. 3d 588, it is barred by
14 Plaintiffs' failure to join as defendants the manufacturers of a substantial share of the asbestos
15 products market, to which asbestos products Decedent was allegedly exposed, thereby causing
16 the damages alleged; and, should it prove impossible to identify the manufacturer of the product
17 that allegedly injured Decedent, said purported claim or cause of action is barred by the fault of
18 Plaintiffs and their agents in making identification of the manufacturer impossible.

19 **EIGHTEENTH AFFIRMATIVE DEFENSE**

20 63. GE alleges that, to the extent said complaint purports to state a cause of action or
21 basis for recovery upon lack of identification of the manufacturer of the alleged injury-causing
22 product, it fails to state facts sufficient to constitute a cause of action in that Plaintiffs have
23 asserted claims for relief which, if allowed, would contravene GE's constitutional rights to
24 substantive due process of law, as preserved by the Fourteenth Amendment to the Constitution of
25 the United States and by Article I, Section 7 of the Constitution of the State of California.

26 **NINETEENTH AFFIRMATIVE DEFENSE**

27 64. GE alleges that said complaint, to the extent that it seeks exemplary or punitive
28 damages pursuant to California Civil Code Section 3294, violates GE's right to procedural due

1 process under the Fourteenth Amendment of the United States Constitution, and Article I,
 2 Section 7 of the Constitution of the State of California, and therefore fails to state a cause of
 3 action upon which either punitive or exemplary damages can be awarded.

4 TWENTIETH AFFIRMATIVE DEFENSE

5 65. GE alleges that said complaint, to the extent that it seeks punitive or exemplary
 6 damages pursuant to California Civil Code Section 3294, violates GE's right to protection from
 7 "excessive fines" as provided in the Eighth Amendment of the United States Constitution and
 8 Article I, Section 17 of the Constitution of the State of California, and violates GE's right to
 9 substantive due process as provided in the Fifth and Fourteenth Amendments of the United States
 10 Constitution and the Constitution of the State of California, and therefore fails to state a cause of
 11 action supporting the punitive or exemplary damages claimed.

12 TWENTY-FIRST AFFIRMATIVE DEFENSE

13 66. GE alleges that said complaint, and each cause of action therein, fails to state facts
 14 sufficient to warrant an award of punitive or exemplary damages against GE.

15 TWENTY-SECOND AFFIRMATIVE DEFENSE

16 67. GE alleges that at all relevant times Decedent's employers were sophisticated
 17 users of asbestos-containing products, and that said employers were aware of the dangers, if any,
 18 of asbestos-containing products, and that said employers' negligence in providing the products to
 19 their employees in a negligent, careless and reckless manner was a superseding intervening cause
 20 of Decedent's injuries, if any.

21 TWENTY-THIRD AFFIRMATIVE DEFENSE

22 68. GE alleges that at all relevant times Decedent was a sophisticated user of
 23 asbestos-containing products, that Decedent was aware, or should have been aware, of the
 24 dangers, if any, of asbestos-containing products, and that the sophisticated user doctrine is a
 25 complete bar to Plaintiffs' claims against GE as a matter of law. Johnson v. American Standard,
 26 Inc., et al. (2005) 34 Cal.Rptr.3d 863.

27 TWENTY-FOURTH AFFIRMATIVE DEFENSE

28 69. GE alleges that the "peculiar risk" doctrine is not applicable to the causes of

1 action attempted to be stated and set forth against this defendant, because the injuries and
2 damages complained of in the complaint, if any there were, arose in the course and scope of
3 Decedent's employment by an independent contractor.

4 **TWENTY-FIFTH AFFIRMATIVE DEFENSE**

5 70. GE alleges that Plaintiffs are barred from recovery in that all products produced
6 by GE were in conformity with the existing state-of-the-art, and as a result, these products were
7 not defective in any manner.

8 **TWENTY-SIXTH AFFIRMATIVE DEFENSE**

9 71. GE alleges that the causes of action, if any, attempted to be stated and set forth in
10 said complaint for negligence per se are barred by California Labor Code Section 6304.5, and
11 derivative authority.

12 **TWENTY-SEVENTH AFFIRMATIVE DEFENSE**

13 72. GE alleges that Plaintiffs and/or Decedent failed to exercise due diligence to
14 mitigate their losses, injuries or damages, if any, and, accordingly, the amount of damages to
15 which Plaintiffs are entitled, if any, should be reduced by the amount of damages which
16 otherwise would have been mitigated.

17 **TWENTY-EIGHTH AFFIRMATIVE DEFENSE**

18 73. GE alleges that it had no knowledge, either actual or constructive, and by the
19 application of reasonable, developed human skills and foresight had no reason to know of the
20 propensities, if any, of any product allegedly manufactured, supplied, applied and/or sold by GE
21 to cause or contribute to the creation of medical conditions or circumstances involving alleged
22 injuries to the lungs, respiratory and cardiovascular systems, including cancer, mesothelioma, or
23 any other illness or any type whatsoever.

24 **TWENTY-NINTH AFFIRMATIVE DEFENSE**

25 74. GE alleges that the provisions of California Civil Code Section 1431.2 are
26 applicable to the Complaint and each cause of action therein.

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28 ///

THIRTIETH AFFIRMATIVE DEFENSE

75. GE alleges that unforeseen and unforeseeable acts and omissions by others constitute a superseding, intervening cause of Plaintiffs' injuries, if any.

THIRTY-FIRST AFFIRMATIVE DEFENSE

76. GE alleges that each of Plaintiffs' claims, and this entire action, are preempted by all applicable federal law relating to railroads, their equipment, and/or alleged injuries and damages arising therefrom, including but not limited to the Locomotive Boiler Inspection Act, 49 U.S.C. sections 20701 et seq.

THIRTY-SECOND AFFIRMATIVE DEFENSE

77. The matters alleged in said complaint are encompassed within and barred by a settlement and release agreement reached by the parties, which operates as a merger and bar against any further litigation on matters raised or potentially raised in connection with the settlement and release.

THIRTY-THIRD AFFIRMATIVE DEFENSE

78. To the extent that Plaintiffs and/or Decedent have reached an accord with GE regarding this litigation and this accord was then properly satisfied, the claims, causes of action, and theories of liability asserted in said complaint are barred by the doctrine of accord and satisfaction.

THIRTY-FOURTH AFFIRMATIVE DEFENSE

79. To the extent that Plaintiffs and/or Decedent released, settled, entered into an accord and satisfaction, or otherwise compromised the claims herein, said claims are barred.

THIRTY-FIFTH AFFIRMATIVE DEFENSE

80. The claims asserted in said complaint have been settled, compromised or otherwise discharged and GE is due a set off.

THIRTY-SIXTH AFFIRMATIVE DEFENSE

81. To the extent that Plaintiffs and/or Decedent previously filed a dismissal in court dismissing with prejudice all of the asserted claims, causes of action, and other theories of liability against GE, the matters alleged in said complaint are barred by retraxit.

THIRTY-SEVENTH AFFIRMATIVE DEFENSE

82. Plaintiffs' claims herein are barred based on the primary right and res judicata doctrines which prohibit splitting a single cause of action into successive suits, and seeking new recovery for injuries for which the plaintiff was previously compensated by alleged joint tortfeasors.

THIRTY-EIGHTH AFFIRMATIVE DEFENSE

83. Defendant alleges that the causes of action, if any, attempted to be stated and set forth in said complaint are barred by applicable statutes of repose, including statutes of repose in other states that are applicable to this action pursuant to California Code of Civil Procedure section 361.

THIRTY-NINTH AFFIRMATIVE DEFENSE

84. GE alleges that the causes of action, if any, attempted to be stated and set forth in said complaint are barred by laches.

PRAYER

WHEREFORE, GE prays that Plaintiffs take nothing by reason of their complaint as to GE and that GE has judgment for its costs of suit and attorneys' fees and for such other and further relief as this Court may deem just and proper.

DATED: June 30, 2008

SEDGWICK, DETERT, MORAN & ARNOLD LLP

By: /S/ Derek S. Johnson
Derek S. Johnson
Attorneys for Defendant
GENERAL ELECTRIC COMPANY

JURY DEMAND

GE hereby demands a trial by jury of the captioned matter.

DATED: June 30, 2008

SEDGWICK, DETERT, MORAN & ARNOLD LLP

By: /S/ Derek S. Johnson

Derek S. Johnson

Attorneys for Defendant

GENERAL ELECTRIC COMPANY

CERTIFICATION OF INTERESTED ENTITIES OR PERSONS

Pursuant to Civil Local Rule 3-16, the undersigned certifies that as of this date, other than the named parties, there is no such interest to report.

DATED: June 30, 2008

SEDGWICK, DETERT, MORAN & ARNOLD LLP

By: /S/ Derek S. Johnson

Derek S. Johnson

Attorneys for Defendant

GENERAL ELECTRIC COMPANY